REMARKS

Claim 25 has been amended to correct for a typographical error.

Claims 14-20 and 23-26 have been rejected by the Examiner under 35 USC 112, first paragraph, because of specification, while being enabling for certain compositions which evoke biological mechanism which does not modulate aqueous humor dynamics and intraocular pressure, does not reasonably provide enablement for the broad phrase of "a pharmaceutical composition which evokes biological mechanism which does not modulate aqueous humor dynamics and interocular pressure".

First, the Applicant respectfully requests the Examiner to withdraw the rejection of claims 14-20 under 35 USC 112, first paragraph. Since these claims do not include the broad phrase of "a pharmaceutical composition which evokes a biological mechanism which does not modulate aqueous humor dynamics and interocular pressure".

With regard to claims 23-26, rejected under 35 USC 112, first paragraph, the Applicant's submits that it has been held that the function of the description requirement is to insure that the inventor had possession, as of the filing date of the application, of the specific subject matter claimed; how the specification accomplishes this is not material; the claims subject matter need be not be described in hace verba to satisfy the description requirement. Nor is it necessary that the application describe the claimed invention exactly, but only so clearly that one having

ordinary skill in the pertinent art would recognize from the disclosure that the Applicant had invented the method. See in re Herschler, 200 USPQ, 711, 717 (CCPA 1979).

As set forth in re Smith and Hubin, 176 USPQ 620, 624 (CCPA 1973), compliance with the first paragraph of section 112 is adjudged from a perspective of a person skilled in the relevant art. The specification as originally filed must convey clearly to those skilled in the art the information that the Applicant has invented and the subject matter claimed.

When the original specification accomplishes this, regardless how this is accomplished, the essential goal of the description requirement under 35 USC 112 is realized. See also in re Smythe, 176 USPQ 279.

As it pertains to the present invention, the Applicant's submits that one skill in the art is one familiar with pharmaceutical compositions.

Therefore, the Applicant's submits that the specification as originally filed does convey to those skilled in the art the information as to how to practice the present invention. The Examiner has stated that the instant claims read on all compositions which evoke biological mechanism which do not modulate the aqueous humor dynamics and interocular pressure.

The Applicant submits that claims 24-26 specifically set forth pharmaceutical compositions having non-inactivating sodium channel blocking activity. Accordingly,

the Applicant's submits that the test set forth by the Examiner has been met. In view of the general knowledge of the technology utilized in the present invention, which is widespread, the application as originally filed states clearly to those skilled in the art the information that the Applicant's have invented and the subject matter claimed.

Withdrawal of the rejection of claims 23-26 under 35 USC 112, first paragraph, is respectfully requested.

Attached hereto is a marked-up version of the changes made to the claim by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

Respectfully submitted,

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Sept 25, 2002

9/25/02

(DATE SIGNED) WALTER A. HACKLER
REG. NO. 27,792

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claim 25 has been amended as follows:

25. (Amended) The method of treatment of claim 24 wherein the composition is an ophthalmic solution adapted ~~from~~ for administration to the eye of a mammal in the form of intracameral injection.

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